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LETTER DATED 3 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We forward to the attention of the Security Council and for its consideration of further measures, the report and recommendations of the United Nations International Police Task Force (IPTF) and the Office of the High Representative with regard to a recent (10 February 1997) incident in which Bosnians were attacked by uniformed and non-uniformed police elements, with fatal consequences while visiting a graveyard in West Mostar. The report was produced in response to a request emanating from President Tudjman of the Republic of Croatia and President Izetbegovic of Bosnia and Herzegovina as well as Bosnian Croat and Bosnian Muslim leaders. The latter requests have already been forwarded to the Security Council in our letters of 11 and 17 February 1997, respectively (S/1997/121 and S/1997/140).

We have been informed by the Office of the High Representative that the recommendations of the report still remain to be implemented. We would envision that the Secretariat may be in a position to provide a further update regarding implementation and any other events considered relevant.

May I ask for your kind assistance in circulating the text of the present letter as well as its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative
of Bosnia and Herzegovina
to the United Nations

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Annex

Letter dated 24 February 1997 from the Principal Deputy High Representative addressed to the Chair of the Presidency and a member of the Presidency of Bosnia and Herzegovina

Please find enclosed an advance copy of the report of the United Nations International Police Task Force (IPTF) in pursuance of the 12 February decisions on Mostar (S/1997/140, annex). The present report has been submitted to the Principals of the major implementation agencies in Bosnia and Herzegovina and the Contact Group today and will form the basis for our meeting with the Federation partners scheduled for Tuesday, 25 February, when decisions on the necessary conclusions shall be taken. Please keep this report absolutely confidential until after tomorrow night's meeting.

With the full support of the Principals and the Contact Group, I request from you the following:

I. As you will see from the report, the IPTF Special Investigation Group has succeeded in establishing the facts in full related to the intended Bajram visit to the Kneza Mihajla Humskog/former Liska Street graveyard on 10 February. The report contains irrefutable proof that plainclothes and uniformed West Mostar police officers opened fire at the backs of citizens who had at that moment already given up on visiting the graveyard and were retreating. One person was killed and at least 20 persons were wounded.

The investigation did not reveal any provocations justifying the use of force by the police. Instead, the investigation has shown that the West Mostar Police had received advance notification of the planned visit to the cemetery, had acknowledged the visit and had assigned police officers to the route in advance. There was no connection between the graveyard visit and the festivities on the Rondo. Nevertheless, rather than performing their duty of protecting the public, the police not only participated in but instigated the violence.

It is vital now to demonstrate to the citizens of this country that crimes do not go unpunished. In particular, the following must be undertaken immediately:

1. Ivan Hrkac, Deputy Chief of the West Mostar Police, and Zeljko Planinic, West Mostar police officer, have been identified as having fired into the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February. One plainclothes officer, Bozo Peric, was identified by witnesses and was seen firing into the crowd. They must be dismissed from office and arrested by 26 February, and then prosecuted to the full extent of the law.

2. Police officers Zlatko Pavlovic and Josip Cvitanovic were photographed with their weapons drawn during the shooting. They must be suspended from their duties by 26 February and their actions must be criminally investigated and prosecuted to the full extent of the law.

3. Contrary to his obligation to cooperate fully, the Chief of the West Mostar Police, Marko Radic, obstructed the IPTF investigation. He must be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

Criminal investigations and judicial proceedings relating to all police officers involved in the 10 February incident must proceed promptly and be pursued to the full extent of the law with complete international monitoring.

In addition, as I announced in point 10 of the Mostar decisions, I will recommend to the European Union (EU) Governments and to the Steering Board members to bar those who have been identified in the report as perpetrators of the violence, including Mr. Hrkac, Mr. Planinic and Mr. Peric, from travelling to Europe and overseas.

II. The shooting of 10 February is inexcusable. But it cannot be seen in a political vacuum. The weeks preceding 10 February saw a sequence of incidents, including grenade attacks on both sides of the city and on the Franciscan monastery located on the Boulevard, without the political leadership undertaking serious joint efforts to calm the growing tensions. It is distressing that neither the Mayor of Mostar and his Deputy nor the Canton Minister of the Interior and his Deputy, notwithstanding their political differences, addressed the public jointly or undertook any efforts to keep extremists in check. Their political performance and their efforts to put an end to inflammatory statements issued by public figures and in the press will have to be monitored closely. I will not hesitate to request your intervention and action by the EU Governments regarding travel restrictions against any politician in the Herzegovina Neretva Canton who continues to pour oil on the flames.

Additional steps need to be taken to further normalize the situation in Mostar and other parts of the Federation. The report states that as information of the violence of 10 February spread, random and sporadic attacks on citizens in locations around the city and on routes out of and into Mostar (M-17) were reported. These attacks involved Bosniac victims, but many of them were also directed against Bosnian Croats. The report states that the failure of the police, in both East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks in the incidents both prior to and after the 10 February event illustrates the serious absence of professional police leadership throughout the area. Therefore, I request both of you to address this issue and to replace the police leadership on both sides of the Neretva with professional police officers from outside Mostar.

Violence spread beyond Mostar. On 20 February, unknown criminals attacked the Church and Monastery of St. Anthony in Sarajevo with hand grenades. This attack, in particular, as it was directed against the Central Bosnian Franciscans who have long stood for tolerance and multi-ethnicity, is an assault on these values in Sarajevo, in the Federation and in Bosnia and Herzegovina as a whole.

The Principals have requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit an additional report detailing the incidents preceding and following the violence of 10 February for

consideration by the Federation partners. The Federation partners must commit themselves to draw all necessary conclusions, including personal consequences for all officials and police officers who have failed to perform their duties.

III. Mostar must be addressed now. But beyond recent events in Mostar, the Federation as a whole is facing a severe crisis. More radical efforts must be undertaken to achieve a turning point in the relations between the peoples of the Federation and their leaders. In particular, you should now commit yourselves personally to speedy implementation of the Sarajevo Protocol, the adoption of a first Law on Municipal Reforms and further progress in building the Mostar institutions. The Federation must take a new approach to the media as well. The return of refugees and displaced persons must also be addressed. It is unacceptable that three years after the conclusion of the Washington and Vienna Agreements, return to minority areas within the Federation has not yet really started.

I have enclosed a detailed list of steps to be undertaken following the IPTF report, and of urgent Federation issues on which I will request your agreement tomorrow.

(Signed) Michael STEINER
Principal Deputy High Representative

Enclosure

Addendum to the letter of Ambassador Steiner to President Izetbegovic and President Zubak of 24 February

I. IMPLEMENTATION OF THE DECISIONS ON MOSTAR OF 12 FEBRUARY

1. The Reinstatement Team (composed of Mostar police, the United Nations International Police Task Force (IFOR) and the Stabilization Force (SFOR)) formed under point 4 of the decisions on Mostar (S/1997/140, annex) has now successfully assisted in allowing all persons illegally evicted in the wake of the events on 10 February to return to their homes. The team will continue its work. In particular, it will reinstate any persons who the Mostar Deputy Federation Ombudsman has determined were illegally evicted, should the authorities fail to act promptly to implement the Ombudsman's findings.

2. While the number of illegal evictions has substantially decreased, the threat of illegal eviction continues to cause many Mostar citizens to fear for their safety in their own homes. The report submitted by the Cantonal Minister of the Interior and his Deputy relating to reinstatements will be supplemented by 1 March with an additional report concerning the specific steps taken by the authorities to investigate all cases of illegal evictions, as well as attempted evictions and threats, and to prosecute those responsible, as required by point 4 of the decisions.

3. As of 24 February, point 6 of the decisions on Mostar regarding the commitment to the United Police Force of Mostar and the full participation in its work has not been implemented. President Izetbegovic and President Zubak will ensure that the police receive immediate instructions to resume participation, including in the joint headquarters.

4. Freedom of movement, under point 8 of the decisions, has not been fully established. Additional measures must be taken to restore confidence so that the citizens of Mostar feel able to move freely, including the removal of the sleeping policemen on the Boulevard.

5. Implementation of point 10 regarding maximum restraint in public statements remains vital. In particular in the light of the findings of the IPTF report, the statement by the Ministry of the Interior of the Herzegovina Neretva Canton on the opening of criminal investigations against the Deputy Mayor of Mostar and others in connection with the events of 10 February is unacceptable. The Minister of the Interior, Mr. Valentin Coric, is requested to immediately retract this statement publicly.

II. CONCLUSIONS TO BE DRAWN FROM THE IPTF REPORT

1. IPTF will deliver its report to the Government of the Herzegovina Neretva Canton, to the judicial authorities of the canton and the West Mostar Police for further action.

2. Mr. Ivan Hrkac, Deputy Chief of the West Mostar Police, and Mr. Zeljko Planinic, West Mostar police officer, have been identified as firing at the retreating marchers on Kneza Mihajla Humskog/former Liska Street on 10 February 1997. One plainclothes officer, Bozo Peric, was identified by witnesses and was seen firing into the crowd. The authorities shall immediately dismiss the three men from office and issue arrest warrants for them. The authorities will take all necessary steps to ensure their arrest by 26 February and to prosecute these men to the full extent of the law.

3. Police officers Mr. Zlatko Pavlovic and Mr. Josip Cvitanovic were photographed with their weapons drawn during the shooting. The authorities shall indefinitely suspend them from their duties by 26 February. A criminal investigation shall be initiated against both men, as well as against the as-yet unidentified police officer who was also photographed with his weapon drawn.

4. The criminal investigation of Mr. Hrkac, Mr. Planinic, Mr. Peric, Mr. Pavlovic and Mr. Cvitanovic will be pursued vigorously and will be completed as soon as possible. Upon completion of the criminal investigation, these cases will be brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

5. All police officers identified as being present at Kneza Mihajla Humskog/former Liska Street on 10 February will be investigated to determine their involvement in the violence. Any police officer who assaulted, without any legal basis, any of the marchers will be immediately suspended from duty and will be criminally prosecuted.

6. Any person convicted in relation to the events of 10 February will be dismissed from office and barred from holding other public office or employment.

7. In accordance with annex 11 to the Peace Agreement, IPTF will have complete access to any site, person, activity, proceeding, record or other item or event throughout the criminal investigation and legal proceedings. Trials will be open to the public.

8. The Chief of the West Mostar Police, Mr. Marko Radic, did not fulfil his obligations under the decisions on Mostar to cooperate fully and in good faith with the IPTF Special Investigation Group. He will be dismissed from office by 26 February and replaced by a professional police officer from outside the Mostar region.

9. The Principal Deputy High Representative will immediately recommend to the EU Governments and the Steering Board members to bar Mr. Hrkac, Mr. Planinic and Mr. Peric from travelling to Europe and overseas. Should others be found guilty in the upcoming judicial procedures, similar recommendations will be made regarding these persons.

10. The report states that the failure of the police, both in East and West Mostar, to provide protection to potential and actual victims of the series of cross-ethnic attacks prior to and after the 10 February event illustrates the serious absence of professional police leadership throughout the area. Therefore, President Izetbegovic and President Zubak are requested to replace

the police leadership on both sides of the Neretva with professional police officers.

III. REQUEST FOR AN ADDITIONAL REPORT BY IPTF AND HRCC

IPTF, in cooperation with the Human Rights Coordination Centre (HRCC) of the Office of the High Representative, will submit an additional report detailing the incidents preceding and following the events of 10 February, including detention and assaults of motorists on the M-17 road. The report will be submitted to the Principals of the major implementation agencies in Bosnia and Herzegovina and to the Contact Group within 10 days. The Federation partners agree to accept and endorse the report in full and to draw the necessary conclusions from it.

IV. FEDERATION IMPLEMENTATION

1. The Sarajevo Protocol must be implemented without delay. The Sarajevo Working Group shall complete its work within two weeks. The necessary amendments to the Federation and Canton Constitutions shall be adopted by the Assemblies by 14 March. On 15 March, the City Council shall constitute itself, adopt the City Statute and elect the new Mayor of the City of Sarajevo.

2. In parallel, work on the amendments to the Federation and Herzegovina Neretva Canton constitutions regarding Mostar shall be completed and the amendments shall be adopted by the Assemblies by 14 March.

3. The Advisory Commission on municipal reforms shall conclude its work on split municipalities and the formation of a first group of new municipalities as agreed in the Commission by 25 February. The Federation House of Representatives shall adopt the Draft Law on 28 February.

4. President Izetbegovic and President Zubak will be personally available to ensure that any obstacle to the implementation of points 1 to 3 above will be overcome and the deadlines met.

5. The next Federation Forum will devote its attention to the security situation in the Federation, in particular in Central Bosnian municipalities. For this purpose, the Federation Ombudsmen together with the Human Rights Coordination Centre of the Office of the High Representative will prepare a report to be submitted to the Forum.

6. President Izetbegovic and President Zubak agree to a meeting with the Principal Deputy High Representative and the Special Envoy of the United Nations High Commissioner for Refugees by 7 March concerning return in the Federation in order to decide on how the Federation authorities will overcome present obstacles to return.